

Sixth Appellate District

San Jose, California

MONDAY, AUGUST 22, 2005

H028426 In re JORGE E.; DFCS v. JORGE E.

We affirm the juvenile court order terminating appellant's parental rights and freeing the dependent child Jorge for adoption. (not published)

(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed August 22, 2005

H027844 PEOPLE v. PEREZ

The judgment is affirmed as modified (not published)

(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed August 22, 2005

H028400 PEOPLE v. CLARKE

The judgment is affirmed. (not published)

(McAdams, J.; We concur: Elia, Acting P.J., Mihara, J.)

Filed August 22, 2005

H028210 PEOPLE v. CORTEZ

The judgment is affirmed. (not published)

(Elia, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed August 22, 2005

The following cases are submitted this date:

H028183 People v. David R., et al.

H027769 Li v. Prediwave Corporation, et al.

H)27210 In re Carron on Habeas Corpus

H027720 PEOPLE v. ALEX N.

The juvenile court's order is reversed. The matter is remanded to the juvenile court to permit the court to exercise its discretion (1) whether or not to aggregate Alex's previously sustained petitions and (2) to set a maximum term of physical confinement based on the facts and circumstances of those of Alex's offenses upon which it chooses to impose a CYA commitment. (published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed August 22, 2005

Sixth Appellate District

San Jose, California

TUESDAY, AUGUST 23, 2005

H028097 PEOPLE v. WILLIAMS

The appeal is dismissed. (not published)
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed August 23, 2005

H028507 PEOPLE v. LLERVE

The judgment is affirmed. (not published)
(McAdams, J.; We concur: Rushing, P.J., Mihara, J.)

Filed August 23, 2005

H028063 BELMONTE, et al. v. SERWER

The order is affirmed. Plaintiff is entitled to costs on appeal. (not published)
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed August 23, 2005

H027977 CECIL, etc., v. TOPETE

H028106 TOPETE v. CECIL, etc.

The order of the superior court in case No. H027977 is affirmed. The order of the superior court in case No. H028106 is affirmed. The parties shall bear their own costs on both appeals. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed August 23, 2005

H027782 PEOPLE v. PEREZ

The judgment is modified to add a \$20 administrative fee to the suspended parole-revocation fine. As so modified, the judgment is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed August 23, 2005

H028464 In re REESE B.; SANTA CRUZ HRA v. JOSE M., et al.

The order terminating parental rights is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Bamattre-Manoukian, J.)

Filed August 23, 2005

H027553 PEOPLE v. MENDOZA

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Duffy, J.)

Filed August 23, 2005

Sixth Appellate District

San Jose, California

Tuesday, August 23, 2005 (continued)

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Mihara, J.; McAdams, J.; and W. Magsaysay, Deputy Clerk.

H027260 PEOPLE v. MILLINICH

Cause called and argued by Stacy Saetta appearing for Appellant and by Mark S. Howell, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H028258 IN RE NATHAN S.

Cause called and argued by Leticia S., appellant appearing in propria persona, by Teri L. Robinson, Deputy County Counsel, appearing for Respondent Santa Clara County Department of Family and Children's Services, and by Robert Masterson, Deputy District Attorney, appearing for Respondent minor. Cause ordered submitted.

H027601 PEOPLE v. PENDLETON

Cause called. Peter F. Goldscheider, counsel for appellant, is not present. Ronald E. Niver, Deputy Attorney General, appearing for Respondent is present. Court finds that counsel for appellant was duly notified. Respondent waives oral argument and submits the matter. Cause ordered submitted. Court directs that counsel for appellant be notified of the court's action in this matter.

H027665 ARMED FORCES INSURANCE v. UNITED SERVICES AUTOMOBILE INSURANCE

Cause called and argued by Mark G. Bonino appearing for Appellant and by Bradley A. Bening appearing for Respondent. Cause ordered submitted.

H027855 MORGAN v. NISHIMURA

Cause called and argued by Russell J. Hanlon appearing for Appellant and by Kenneth C. Moore appearing for Respondent. Cause ordered submitted. Court adjourns.

H028324 PEOPLE v. HARVEY

The judgment is affirmed. (not published)
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed August 23, 2005

Sixth Appellate District

San Jose, California

Tuesday, August 23, 2005 (continued)

H028059 CIKALO v. CIKALO

The order denying Peter's motion to set aside judgment is affirmed. (not published)

(Duffy, J.; We concur: Rushing, P.J., McAdams, J.)

Filed August 23, 2005

H025895 PEOPLE v. LEITAO

The judgment is reversed. The trial court is directed to conduct a Marsden hearing at which defendant shall be afforded an opportunity to fully state and explain the reasons he desired the appointment of new counsel at the close of the evidence. If the court determines that defendant has made a showing sufficient to warrant the appointment of new counsel, then the court shall appoint new counsel and set the case for retrial. If the court determines that defendant has failed to make a sufficient showing, then it shall reinstate the judgment but amend it to strike the conviction and sentence on count 3. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed August 23, 2005

WEDNESDAY, AUGUST 24, 2005

H027768 WELCH, et al. v. KHOO, et al.

The order is affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed August 24, 2005

H027624 PEOPLE v. ROMERO

The order is affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed August 24, 2005

H028392 SANTA CRUZ COUNTY HUMAN RESOURCES AGENCY v. FELICIA P.

By the Court*:

Appellant's petition for rehearing is denied.

Filed: August 24, 2005

*Before Rushing, P.J., Premo, J. and Elia, J.

Sixth Appellate District

San Jose, California

Wednesday, August 24, 2005 (continued)

H027365 DE LA ROSA, et al. v. CITY OF SAN JOSE, et al.

The order striking the complaint under section 425.16 is reversed. The superior court is directed to enter a new order denying the motion to strike. Plaintiffs are entitled to their costs on appeal. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed August 24, 2005

THURSDAY, AUGUST 25, 2005

H027813 PEOPLE v. PATTERSON

The appeal is dismissed. (Pen. Code § 1237.5; Cal. Rules of Court, rule 30(b); *People v. Panizzon* (1996) 13 Cal.4th 68, 79; *People v. Buttram* (2003) 30 Cal.4th 773, 787.)

(Elia, J., Rushing, P.J., Premo, J.)

Filed August 25, 2005

H028716 PEOPLE V. OLIVER

The judgment is affirmed. (not published)

(Elia, Acting P.J.; We concur: Bamattre-Manoukian, J., Duffy, J.)

Filed August 25, 2005

H028554 PEOPLE v. SAVINON

The judgment is affirmed. (not published)

(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed August 25, 2005

H028452 PEOPLE v. LEGGETT

The judgment is affirmed. (not published)

(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)

Filed August 25, 2005

H028435 PEOPLE v. SANABRIA

The judgment is affirmed. (not published)

(Duffy, J.; We concur: Elia, Acting P.J., Bamattre-Manoukian, J.)

Filed August 25, 2005

Sixth Appellate District

San Jose, California

Thursday, August 25, 2005 (continued)

H026821 BERG & BERGH ENTERPRISES, LLC v. SHERWOOD PARTNERS, INC., et al.

(Filed order modifying opinion.) No change in the judgment. The petition for rehearing and the request for depublication are denied. (published)

(McAdams, J., Rushing, P.J., Walsh, J.*)

Filed August 25, 2005

(*Judge of the Santa Clara County Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

H027192 PEOPLE v. MORENO

The recommitment order is affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed August 25, 2005

H027497 COUNTY OF SANTA CLARA, et al. v. VICTORY OUTREACH SAN JOSE, INC., et al.

The judgment is affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed August 25, 2005

FRIDAY, AUGUST 26, 2005

H027808 GU v. BMW OF NORTH AMERICA, LLC

The judgment is affirmed. (published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed August 26, 2005

H027607 PEOPLE v. CARRILLO

The judgment is affirmed. (not published)

(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed August 26, 2005

Sixth Appellate District

San Jose, California

Friday, August 26, 2005 (continued)

H027545 TRIVERS v. QUIRK

The cause is remanded to the trial court with directions to reconsider the parties' attorney fee applications in light of all applicable factors set forth in sections 2030 and 2032. The parties shall bear their own costs on appeal. (not published) (McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed August 26, 2005

H028350 PEOPLE v. KALIANNAN

The judgment is affirmed. (not published) (Mihara, J.; We concur: Elia, Acting P.J., McAdams, J.)

Filed August 26, 2005

H027315 PEOPLE v. QUINTERO

The judgment is affirmed. (not published) (Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed August 26, 2005

H028749 PEOPLE v. SUPERIOR COURT; RUSSELL

Let a peremptory writ of mandate issue directing respondent court to vacate its order suspending execution of sentence and granting probation, and to enter a new order committing defendant to state prison. This opinion is made final immediately as to this court. (Cal. Rules of Court, rule 24(b)(3).) (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed August 26, 2005